

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KOJUAN MILES,

Plaintiff,

v.

BOBBY LUMPKIN, et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Case No. 6:20-cv-334-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Kojuan Miles, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.


Plaintiff originally named Lorie Davis, former Director of the Texas Department of Criminal Justice – Correctional Institutions Division as the lead Defendant in this case. Davis has retired and has been replaced by Bobby Lumpkin. Plaintiff amended his complaint to name Lumpkin in place of Davis, effectively dismissing her from the lawsuit.

On June 7, 2021, Judge Love issued a Report recommending that Davis be dismissed as a party to the lawsuit without prejudice to the claims or defenses of any party remaining in the case and that the case be re-styled as *Davis v. Lumpkin, et al.* Docket No. 27. No objections to this Report have been filed.

Because there have been no objections, the Court reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 27) as the findings of this Court. Defendant Lorie Davis is **DISMISSED** from this lawsuit without prejudice. The Clerk shall designate Bobby Lumpkin as the lead defendant and shall re-style the case as *Miles v. Lumpkin, et al.* The dismissal of Davis from the lawsuit shall have no effect upon the remaining claims and parties in the case.

So **ORDERED** and **SIGNED** this **28th** day of **July, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE